

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

EVERETT McCOY,

Plaintiff,

No. CIV S-01-1218 JAM GGH P

vs.

CAL TERHUNE, et al.,

Defendants.

ORDER

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Plaintiff has requested the appointment of counsel. The United States Supreme Court has ruled that district courts lack authority to require counsel to represent indigent prisoners in § 1983 cases. Mallard v. United States Dist. Court, 490 U.S. 296, 298 (1989). In certain exceptional circumstances, the court may request the voluntary assistance of counsel pursuant to 28 U.S.C. § 1915(e)(1). Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991); Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990). In the present case, the court does not find the required exceptional circumstances. Plaintiff's request for the appointment of counsel will therefore be denied.

Plaintiff has also requested that the court appoint a medical expert. After reviewing the record, the court finds that appointment of a medical expert is not warranted.

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1                   Accordingly, IT IS HEREBY ORDERED that plaintiff's June 5, 2008, motion for  
2 the appointment of counsel and for appointment of a medical expert is denied.

3 DATED: 06/20/08

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE

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